| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/080,971 | 02/21/2002 | Pieter J. van Zee | 100110363-1 | 1586 |

7590       05/31/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

| EXAMINER |
|---|
| THAI, HANH B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/080,971 | VAN ZEE, PIETER J. |
| | Examiner | Art Unit | |
| | Hanh B. Thai | 2161 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>21 February 2002</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-49</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All  b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date <u>4/7/03</u>.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

This is in response to application filed February 21, 2002 in which claims 1-49 are

presented for examination.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1.      Claims 11-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

The term "best available" in claims 11-12, 22, 36 and 46 is a relative term which renders

the claim indefinite. The term "best available" is not defined by the claim, the specification does

not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art

would not be reasonably apprised of the scope of the invention.

Art rejection is applied as best understood by examiner in light of 112 rejection above.

### *Claim Rejections - 35 USC § 102*

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.      Claims 1-2, 4-13, 15-25, 27-33, 36-39 and 41-47 are rejected under 35 U.S.C. 102(e) as

being anticipated by Choi (US Pub. 2002/0036710 A1).

Regarding claim 1, Choi disclose a method for automatically processing digital image

assets of a digital camera, comprising the steps of:

- automatically identifying a scheme to use for processing a set of assets and metadata ([0054]-[0058], Choi discloses the step of receiving or identifying image data "set of assets" and text data "metadata" to be transformed into XML formatted data "standard structure"; and

- processing the assets and metadata into a standard structure ([0040] and [0054]).

Regarding claim 2, Choi disclose the method of claim 1 wherein automatically identifying the scheme comprises comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present ([0041] and [0058]).

Regarding claim 4, Choi disclose the method of claim 2 wherein automatically identifying the scheme includes, where no match is found, applying a fallback scheme ([0062]).

Regarding claim 5, Choi disclose the method of claim 1 wherein processing the assets and metadata into a standard structure comprises asset normalization ([0054]-[0059]).

Regarding claim 6, Choi disclose the method of claim 5 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types ([0054]-[0059]).

Regarding claim 7, Choi disclose the method of claim 5 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs ([0059] and [0065]).

Regarding claim 8, Choi disclose the method of claim 7 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset moralizer's knowledge and heuristics ([0063]-[0065] and [0129]).

Regarding claim 9, Choi disclose the method of claim 1 wherein processing includes processing the standard structure into a user-friendly structure that is one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips ([0059]; [0065] and [0123]).

Regarding claim 10, Choi disclose the method of claim 9 wherein processing includes processing the standard structure to provide for at least one of: viewing and hearing the user-friendly structure in an exogenous device ([0111]-[0114]).

Regarding claim 11, Choi disclose the method of claim 1 wherein automatically identifying a scheme to use for processing a set of assets and metadata includes using a framework having a set of available asset normalizers to identify a best available asset normalizer ([0040]-[0042] and [0054]-[0059]).

Regarding claims 12, 22 and 36, Choi disclose an asset normalizing method for processing digital image assets of a digital camera, comprising the steps of:

automatically matching an asset scheme of the digital camera to a best available asset normalizer of a predetermined set of asset normalizers ([0041]; [0043] and [0054]-[0058], Choi discloses the step of comparing of text data "asset scheme of the digital camera" to the bit map data "best available asset normalizer" and the bit map data will be converted to correspond with display resolution "standard structure"; and processing assets of the digital camera into a

standard structure in accordance with the best available asset normalizer ([0041]; [0043] and [0054]-[0058]).

Regarding claims 13, 23 and 37, Choi disclose the method of claim 12 wherein automatically matching an asset scheme includes comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present ([0041] and [0058]).

Regarding claims 15, 27 and 41, Choi disclose the method of claim 12 wherein automatically matching an asset scheme includes, where no match is found, applying a fallback asset normalizer ([0062]).

Regarding claims 16, 28 and 42, Choi disclose the method of claim 12 wherein processing assets of the digital camera comprises asset normalization ([0054]-[0059])

Regarding claims 17, 29 and 43, Choi disclose the method of claim 16 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types ([0054]-[0059]).

Regarding claims 18, 30 and 44, Choi disclose the method of claim 16 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs ([0059] and [0065]).

Regarding claims 19, 31 and 45, Choi disclose the method of claim 18 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics ([0063]-[0065] and [0129]).

Regarding claims 20, 32 and 46, Choi disclose the method of claim 12 wherein

processing includes processing the standard structure into a user-friendly structure that is at least

one of: an audio-video presentation, still images, still images plus audio clips, video clips, and

audio clips ([0059]; [0065] and [0123]).

Regarding claims 21, 33 and 47, Choi disclose the method of claim 12 wherein

processing includes providing for at least one of: viewing and hearing assets selected by the asset

normalizer in an exogenous device ([0111]-[0114]).

Regarding claims 24 and 38, Choi disclose the digital camera system of claim 22 wherein

the comparison component includes information that includes at least one of: a directory pattern,

a file name pattern, and an image metadata pattern ([0004]; [0063]-[0065] and [0129]).

Regarding claims 25 and 39, Choi disclose the digital camera system of claim 22 wherein

a directory pattern is assembled by an ordered transversal to a depth of at least one directory

beneath a predetermined location and concatenating directory names with or without separator

characters or symbols ([0004]; [0063]-[0065] and [0129]).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.      Claims 3, 14, 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Choi (US Pub. 2002/0036710 A1) in view of Kain, III et al. (US 6,119,118) submitted by

applicant.

Regarding claims 3, 14, 26 and 40, Choi discloses all of the claim limitation as discussed above, except indicating to the user that no match was found. Kain discloses a method for extending file system metadata including the indicating if there is no match found (col.2, lines 5-13, Kain). It would have been obvious to one of ordinary skill in the art time of the invention to modify Choi to include the claimed feature as taught by Kain. The motivation of doing so would have been to efficiently detect the change in digital image asset (col.1, line 62 to col.2, 5, Kain).

4.      Claims 34-35 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) in view of Calia (US 5,450,504).

Regarding claims 34 and 48, Choi discloses all of the claimed limitations as discussed above, except a comparison a score that represents a quality of a match. Calia discloses a method for finding a most likely matching of a target facial image in database of facial images including an image comparison and score for each comparison (abstract and col.11, line 24 to col. 12, line 11, Calia). It would have been obvious to one of ordinary skill in the art time of the invention to modify Choi to include the claimed feature as taught by Calia. The motivation of doing so would have been to efficiently digital image assets and determine a match (col.2, line 46 to col.3, line5, Calia).

Regarding claims 35 and 49, Choi /Calia combination disclose the digital camera system of claim 34 wherein a highest score is the score that represents the quality of a best match (col.11, line 24 to col. 12, line 11, Calia).

## *Conclusion*

5.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029.  The

examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 571-272-4023.  The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

<div style="text-align: right;">

Hanh B Thai
Examiner
Art Unit 2161

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May 23, 2005

UYEN LE
PRIMARY EXAMINER